

**IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH AT HYDERABAD.**

HON'BLE SRI JUSTICE V.V. S. RAO

Writ Petition No. 19304 of 2005

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Dated: 01st September 2005

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Between:

Nagaraju Subba Raju ... Petitioner

And

The Deputy Chief Executive Officer,

Zilla Praja Parishad,

Eluru, West Godavari District & another. ... Respondents

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Oral Order:

The petitioner was granted lease for plantation of coconut saplings on Zilla Parishad road margins of Vendra – Srungavruksham Road to Nandanavari Palem, Rajulagarvu, Jonnapalem road margins from Kilometre 8/0 to 10/0. The petitioner was required to pay a sum of Rs.2/- per tree as tree tax after a period of five years. The petitioner is now aggrieved by a demand notice dated 17-3-2005 issued by the first respondent calling upon him to pay a sum of Rs.20,000/- as the amount due for the year 2004-05 towards lease amount of coconut trees on the road margins of Zilla Parishad. Aggrieved by the same,

the petitioner filed the present writ petition.

A reading of the impugned order would show that the amount is claimed towards lease amount/encroachment tax. The petitioner has straight away approached this Court by filing the writ petition. This Court is therefore not inclined to decide the issue here, especially in the absence of any lease agreement entered into by the petitioner with the Zilla Parishad being filed before this Court. Therefore, the petitioner is given liberty to approach the Chief Executive Officer of the Zilla Parishad producing a copy of the proceedings granting permission/lease to raise coconut plantation on the road margins and also a copy of the agreement. As and when such representation is made, the Chief Executive Officer of the Zilla Parishad, Eluru shall consider the same and pass appropriate orders. This exercise may be completed within a period of four weeks. The petitioner is granted a week's time from the date of disposal of the writ petition to approach the Chief Executive Officer.

The writ petition, with the above observations, is accordingly disposed of at the admission stage.

(V.V. S. Rao, J)

1st September 2005.

svs